

**MINUTES  
FAIRVIEW CITY COUNCIL WORK SESSION  
FAIRVIEW CITY HALL  
1300 NE VILLAGE STREET  
FAIRVIEW, OREGON 97024**

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**August 4, 2003 -- 6:00pm**

**I. CALL TO ORDER/  
ROLL CALL**

Mayor Weatherby called the meeting to order at 6:00pm.

PRESENT: Mayor Mike Weatherby  
Councilor Darrell Cornelius  
Councilor Sherry Lillard  
Councilor Steve Owen  
Councilor Len Edwards  
Councilor James Raze  
Councilor Jim Trees

STAFF PRESENT: Mary Jo Briggs, City Administrator  
Pam Beery, City Attorney

**II. DISCUSSION -  
Council Operations**

Mayor Weatherby stated that the reason for the Work Session is because of an Email sent from Councilor Cornelius to City Administrator Mary Jo Briggs. At issue is the accusation of staff insubordination. Mayor Weatherby commented that he called for this meeting as he feels everyone has a right to freedom of speech, and that he would like the Council to hold themselves to a higher level of accountability. Insubordination is a serious charge and needs to be addressed; land issues will not be discussed tonight.

Mayor Weatherby stated that it was obvious that Councilor Cornelius has a different opinion than the Community Development Director about on- and off-street parking; however, the Director does not report to the Council, he reports to Administrator Briggs. The Director can be insubordinate to Administrator Briggs, but not to the Council. Administrator Briggs is the only staff member that can be insubordinate to the Council. Mayor Weatherby indicated that Councilor Cornelius had been very detailed and articulate in his Email. The Council holds Administrator Briggs accountable for what staff does. Council needs to review exactly what Councilor Cornelius has written, such as in the third paragraph, last sentence, where it states Council is "expected to be obeyed". Secondly, Mayor Weatherby commented that orders from the Council are stated in resolutions and ordinances, so the question being asked is what document was not being complied with. Any oral direction in a work session is discussion only; no decisions can be made in a work session. In addition, Councilor Cornelius refers to a directive where "no further building applications would be processed". Mayor Weatherby reminded the Council that no action had been taken by the Council to place a building moratorium.

Councilor Raze stated that the Email from Councilor Cornelius upset

him greatly. Councilor Raze commented that he feels there is a lack of respect for the work of past Councils, lack of respect for the staff, and lack of respect for the Planning Commission. Councilor Raze reported that two years ago, Council had a stack of applications for the City Administrator position; they reviewed all of them, determined the top 4-5 candidates, and interviewed. Administrator Briggs was clearly the leader and is the best Fairview could ever have hoped for. Councilor Cornelius has the potential to be an above average councilor, but his last Email with allegations of insubordination was over the top. Councilor Raze stated that he believed a written apology was needed and that the Email should be retracted; it is ugly and unfounded and should not be in anyone's personnel file. Councilor Raze added that Administrator Briggs does not answer to just one Council member, she answers to the Council as a whole, and Councilor Cornelius' Email was a personal attack against her. Councilor Cornelius responded that Administrator Briggs had replied twice to his Email, and that he had Emailed her back and told her that he did not think she was insubordinate. Councilor Raze commented that all things can be improved, but the method of doing that is through discussion and the sharing of ideas. In his opinion, Councilor Raze felt that Councilor Cornelius had a personal vendetta against one staff member in particular. Councilor Raze stated that low employee morale equals low productivity and asked the Council to allow the City Administrator to do her job as she has 100% of Councilor Raze's support and he would like to see everyone working together.

Councilor Owen mentioned that when he received Councilor Cornelius' Email that he had responded back on three of the topics. Regarding insubordination, when he read that he also read into it rage and harshness. Councilor Owen stated that he believed he told Councilor Cornelius that it was not called for as a Department Director and Planner work for Administrator Briggs, so if he was saying they were being insubordinate, that is not his call but Administrator Briggs'. Councilor Owen reminded the Council that all of the Emails are public record, and he felt that retracting the Email would be a positive step. Councilor Owen stated that it did not seem as if the Council communicated as a whole; he sometimes feels that some Councilors are operating in the background with citizens, but not communicating with Council. Councilor Owen commented that Council members may not like each other all the time, but that they do have to work together and they need to communicate with each other. In regards to the Email regarding the work session on parking, two directives were given to Administrator Briggs: negotiate a shared parking arrangement with Holt & Everhart and bring forward an ordinance on off-street parking. Councilor Owen commented that, in his opinion, the parking issue has moved along as fast as it could.

Councilor Edwards stated that in his 13 years on Council, majority has always been the rule. Council sits as a group and makes decisions for the City. He personally does not like to see things written as if it is coming from Council as a whole, when it is really just coming from one person. Councilor Edwards mentioned that staff answers to Administrator Briggs, and she in turn answers to Council. Halsey Street is not the northern border of Fairview. Things that

happen in the past have to remain in the past; we need to move forward. Councilor Edwards asked each Council member whether or not they were behind the City Administrator 100%; Mayor Weatherby responded yes; Councilors Lillard, Owen, and Raze responded yes; Councilor Cornelius responded yes, but that he thought Administrator Briggs and him had things to talk about; Councilor Trees responded that he thought Administrator Briggs was a good problem solver and mediator, but that he honestly feels that she has a weak spot when it comes to supervising staff and that was the only problem he had with her.

Councilor Trees stated that Administrator Briggs had gone to bat for him in terms of getting a merchant sign erected. He knows that many think he is only concerned about parking in Fairview Village, but there is such a small window of opportunity to get it right. Councilor Trees added that he feels that the Council has locked arms against him and will not let him through to explain everything; and, in addition, sometimes you do have to look to the past to find the history of why things were done the way they were. Councilor Trees mentioned that when he first joined the Council, that Councilor Edwards had embarrassed him a little bit. He feels that he is the only Councilor, who when he has the floor, is allowed to be interrupted. No other Council member seemed to get upset when Councilor Lillard questioned his integrity and ethics at a work session. Councilor Trees commented that in regards to the allegation of insubordination, he did not think Councilor Cornelius was accusing Administrator Briggs of that, but was saying it in terms of a Director and Planner. Councilor Trees stated that he knows what is going on in Fairview Village, yet he does not think he is ever given any tools to resolve the problems. It is not just about him; everyone in and outside of Fairview Village deserves the same Council representation. Councilor Trees added that he can resolve his issues with Councilor Lillard, and he wants to work together on things, but regarding the Village parking issue, he does believe the Council locked arms against him. Councilor Trees stated he was sorry, but that he does feel Planning staff were being insubordinate, and instead of offering help, they hinder. In addition, Councilor Trees commented that he was almost afraid to talk to staff anymore since Council has been directed to go through Administrator Briggs on everything.

Councilor Owen stated that he did not believe Administrator Briggs says "no" enough; she tries to assist everyone. In his opinion, Council as a whole gave her direction on the parking issue, and she does have the authority to say she is not going to talk about it anymore as she has her directions, but she doesn't do that; she is always willing to do more.

Councilor Lillard commented that all of the Council, at one time or another, has been disappointed in not getting something passed; she learned that early on. Council needs to respect one another in our decision making process; it's not that we can't revisit a topic, but once we've voted and agreed on something, we have to give it a chance. Councilor Lillard stated that she did not feel that Councilor Trees takes her comments seriously and that it is disrespectful to her; it's important that she be able to work with everyone around the

table. Councilor Lillard noted that she could tell Councilor Cornelius was very frustrated when he wrote his Email, and thought that Council needed to do some team building and active listening exercises. Councilor Lillard mentioned that if a Councilor is upset with a staff person, that they should go to the City Administrator directly and then maybe to other Councilors personally.

Pam Beery, City Attorney, stated that even in Councilor Cornelius' second Email, where he states that Administrator Briggs was not insubordinate, it still strongly states insubordination by other staff. In her mind, insubordination means a willful disobedience. A City Councilor accusing a staff member of willfully ignoring orders is the worst thing she has ever heard in her 22 years of counsel. All of us represent the City; this organization is creating liability by allowing this type of conduct to continue. It is not appropriate for a Council member; Councilor Cornelius is not in charge of Planning staff, and not in charge of Administrator Briggs; the entire Council is.

Councilor Cornelius stated that, in defense of his Email, he stills feels there is a basis for his comments that there was some insubordination on Planning staff's behalf. He felt it was his responsibility to report on staff's actions; he did not recommend that any disciplinary actions be taken. City Resolution 11-2003 gives direction to staff, and if Council gives direction to staff, they can be insubordinate to Council. Councilor Cornelius added that if any Council member were to go by a tavern and see a City Public Works truck parked in front and the employee was playing video poker or shooting pool on City time, it was their responsibility to report that to Administrator Briggs. Councilor Cornelius commented that insubordination is a term that has many meanings and the level of insubordination lies on the facts of the particular situation. At the Council's June work session, he was scolded by Councilors Edwards and Raze not to go directly to staff with questions, but to direct everything to Administrator Briggs, which he did. Regarding oral approval in a work session, he knows that does not make something official and enacted; but there was consensus from Council in the work session. In addition, it was unfair to take on one Councilor when others have done the same thing he is being accused of. Councilor Edwards insults the public, staff, fellow Councilors, etc. The reason Councilor Cornelius did not want to be on the Council sub-committee to review the Council Rules of Order was because he felt the only reason Mayor Weatherby placed him on the sub-committee was so that he could be insulted by other Council members. Councilor Cornelius stated that he has offered to sit down and have coffee with Councilor Edwards, but that has not happened. Councilor Cornelius felt the Council was becoming dysfunctional because they are getting mad at each other; what we need to be is kinder to each other. Councilor Lillard is the only Councilor who has never said anything bad about staff; in addition, he did not feel the Mayor was running the meeting in a way to stop all the insults. Councilor Cornelius stated that he is as interested in Fairview as a whole as much as Councilor Edwards is, but sometimes projects come up that are pertinent only to one area of the City. Councilor Cornelius concluded by stating that he did not think Council was pulling together and that he was feeling picked on; all Council

members are at fault to some extent and we need to stop bickering.

Mayor Weatherby commented that his style has been to sit and let people have their say; he has sat on other boards and commissions and he will allow a certain amount of give and take. If the Council feels that he needs to be more of a monitor, he is willing to be more authoritative. In response to Councilor Cornelius' opinion that he was being picked on, Mayor Weatherby stated that he chose not to talk to Councilor Cornelius personally on the Email topic because he did not want it to be an issue just between the two of them; he felt that Councilor Cornelius needed to hear from the Council as a whole. Mayor Weatherby commented that he was not angry with Councilor Cornelius, but that Councilor Cornelius was like a bull in a china shop; he runs rampant over staff. Mayor Weatherby mentioned that Planning staff has talked to him about the stress they are feeling, and he personally feels that what Councilor Cornelius did was unprofessional.

Councilor Raze mentioned the importance of everyone being allowed to be themselves; he personally has been the butt of many of Councilor Edwards jokes, and only once did it make him mad. Councilor Cornelius stated that Council members need to stop the sarcasm, jokes, etc, and respect each other.

Councilor Edwards stated that for several years, Councils have talked about how we should appear; we do not want to be a regimental Council. When we started being televised, we were told to be more professional; as long as we get business done, that is our goal. Councilor Edwards apologized to Councilor Cornelius as he did not take up his offer to meet for coffee; but he did tell Councilor Cornelius when he was elected that he thought he would be good for the Council. Councilor Edwards added that Councilor Cornelius was very knowledgeable, and that sometimes what Councilor Edwards thinks in his mind is not what comes out of his mouth. Councilor Edwards added that he has never insulted Councilor Cornelius and never had any intention of doing such; he promised that he would watch himself more closely in what he says in the future. Councilor Edwards asked that Councilor Cornelius submit an apology to his original Email, and if the written apology is not received, he would request a retraction at the next Council meeting. Councilor Cornelius stated that he will submit documentation, but that he would not apologize.

Councilor Owen commented that if any Council member has a problem with staff, that they should take it directly to the City Administrator and perhaps invite the Mayor into the discussion to address whether it is insubordination; however, he is concerned about the City Administrator's contract and the accusation of insubordination.

Councilor Lillard stated that if a Council member has an issue with somebody or something they did, that we should not judge but tell Administrator Briggs and let her decide whether it is insubordination or not. In addition, maybe we should share the information with each other before going to Administrator Briggs.

Attorney Beery commented that she would put a list of decorum in each of the Councilor's mailboxes which has been used in other cities.

Mayor Weatherby asked the Council if they wished him to be more authoritative and gavel people down. Council consensus was to keep it status quo for now, but perhaps be more sensitive to sarcasm and jokes.

Councilor Owen asked if Councilor Cornelius would consider retracting the references to insubordination. Councilor Cornelius responded that he will write a letter clarifying it, but that he had Emailed Administrator Briggs and told her he did not think she was insubordinate. Administrator Briggs stated that she went an entire weekend thinking her contract was at issue before she received Councilor Cornelius' Email on Monday.

**III. ADJOURNMENT**

Councilor Owen moved and Councilor Raze seconded the motion to adjourn. Mayor Weatherby adjourned the meeting at 8:17pm.

AYES: 7  
NOES: 0  
ABSTAINED: 0

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Mayor Mike Weatherby

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Dated:

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Caren C. Huson Quiniones  
City Recorder